



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,687	09/30/2003	Katie Kuwata	66329/31260	6173
23380	7590	01/23/2008	EXAMINER	
TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			LAZARO, DAVID R	
		ART UNIT	PAPER NUMBER	
		2155		
		NOTIFICATION DATE	DELIVERY MODE	
		01/23/2008	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@tuckerellis.com
mary.erne@tuckerellis.com

Office Action Summary	Application No.	Applicant(s)
	10/675,687	KUWATA ET AL.
	Examiner	Art Unit
	David Lazaro	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 December 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 25-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 25-40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This office action is in response to the RCE filed 12/03/2007.
2. Claims 1-24 are canceled.
3. Claims 25-40 are newly added.
4. Claims 25-40 are pending in this office action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 25-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

7. Claim 25 includes the following limitations:

- a. "means adapted for initiating a counter to an opening value in accordance with a session identifier of an initial instance associated with the interactive session;"
- b. "means adapted for testing a current counter value against the opening value;"
- c. "the hidden browser window includes termination means adapted for generating a termination signal to the at least one session tracking session application so as to commence a termination of the associated interactive

session upon a determination of an unload event by the session tracking application when a current counter value equals the opening value"
(emphasis added)

8. In regards to limitation 'a', page 5 of the specification states that when a new session is initiated "...the counter is set to one to show that one browser is associated with the session". The specification does not describe setting the counter to any other value when initiating a new session. This is important when considering the context of the claimed subject matter as a whole. Particularly, limitation 'b' and 'c' indicates a testing of the current value against the opening value with a particular functionality based on whether the current counter value equals the opening value. As an example, this suggests that the opening value could be set to 3 and that the session would be terminated if the current counter value equals 3.

9. However, the specification does not describe such a test or any similar scenario. The only test described in the specification is determining whether another browser window is using the same session (last paragraph of page 5 to first paragraph page 6). Even this description only generally implies the use of the counter values in determining if another browser is being used for the same session. There is no explicit indication that there is a comparison of a current counter value to some set opening value.

10. Claims 26-32 depend on claim 25 and therefore include the same limitations. Claim 33 includes similar limitations. Claims 34-40 depend on claim 33 and therefore include the similar limitations. For these reasons, claims 25-40 fail to comply with the written description requirement.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 25-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Claim 25 includes the limitation

"the hidden browser window includes termination means adapted for generating a termination signal to the at least one session tracking session application so as to commence a termination of the associated interactive session **upon a determination of an unload event** by the session tracking application when a current counter value equals the opening value" (emphasis added).

Claim 33 includes a similar limitation.

14. This limitation seems to indicate that the determination of any unload event may cause the termination of the session. However, applicant's specification indicates that certain unload events will not cause the session to termination, such as a browser refresh (See page 5, 3rd paragraph). This is further reflected in the dependent claims 29 and 37. As such, it is unclear as to what applicant is intending to include in the scope of claimed subject matter, and it seems claims 29 and 37 are in conflict with claims 25 and 33 respectively.

15. Note claims 26-32 depend on claims 25, and claims 34-40 depend on claim 33. For these reasons, claims 25-40 are indefinite.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro
January 17, 2008